BACKGROUNDER NO. 5-5424 JANUARY 4, 1978
CHRIS KERN

LAST MANEUVERS IN THE HUNGARIAN CROWN DISPUTE

ANNCR:

U.S. SUPREME COURT JUSTICE BYRON WHITE HAS TURNED DOWN A REQUEST FOR AN EMERGENCY COURT ORDER TO BLOCK THE TRANSFER OF THE CROWN OF ST. STEPHEN TO HUNGARY. THE REQUEST TO THE SUPREME COURT WAS THE LATEST AND PROBABLY THE LAST IN A SERIES OF EFFORTS TO STOP THE CARTER ADMINISTRATION FROM RETURNING THE CROWN. CHRIS KERN HAS A BACKGROUND REPORT.

VOICE:

THE SCHEDULED RETURN 1 HUNGARY OF THE 1000-YEAR-OLD CROWN OF ST. STEPHEN -- HELD BY THE UNITED STATES SINCE THE END OF THE SECOND WORLD WAR -- HAS BECOME A CAUSE CELEBRE FOR HUNGARIAN-AMERICANS, MANY OF THEM REFUGEES FROM THE COMMUNIST GOVERNMENT IN BUDAPEST.

THE CROWN -- WHICH IS THE TRADITIONAL SYMBOL OF HUNGARIAN SOVEREIGNTY -- WAS DELIVERED TO AMERICAN SOLDIERS IN 1945 WHILE THE SOVIET ARMY WAS ADVANCING INTO HUNGARY. IT HAS BEEN HELD BY THE U.S. GOVERNMENT IN TRUST FOR THE HUNGARIAN PEOPLE EVER SINCE THEN. COLD WAR TENSIONS BETWEEN THE UNITED STATES AND HUNGARY PREVENTED ITS RETURN. BUT AS LONG AS THE CROWN REMAINED IN AMERICAN HANDS, IT STOOD IN THE WAY OF IMPROVING RELATIONS BETWEEN THE TWO COUNTRIES. SO IN NOVEMBER, PRESIDENT CARTER ANNOUNCED THAT THE UNITED STATES WOULD RETURN THE CROWN. THAT ANNOUNCEMENT PROVOKED AN IMMEDIATE AND ANGRY RESPONSE FROM MANY HUNGARIAN-AMERICANS.

THEIR ATTEMPT TO REVERSE MR. CARTER'S DECISION IS A CLASSIC EXAMPLE -- THOUGH AN APPARENTLY UNSUCCESSFUL ONE -- OF THE EXERCISE OF POLITICAL PRESSURE BY AN AMERICAN ETHNIC GROUP. ULTIMATELY, IT INVOLVED THE COURTS AND CONGRESS, AS WELL AS APPEALS TO THE PRESIDENT. A GROUP OF 17 MEMBERS OF CONGRESS -- MOST OF THEM WITH LARGE HUNGARIAN-AMERICAN CONSTITUENCIES -- SUED TO PREVENT THE TRANSFER ON THE LEGAL THEORY THAT MR. CARTER DIDN'T HAVE THE AUTHORITY TO TRANSFER PROPERTY TO ANOTHER GOVERNMENT WITHOUT THE CONSENT OF CONGRESS. THE COURTS REFUSED TO INTERVENE.

THEN A SECOND LAWSUIT WAS FILED BY KANSAS SENATOR BOB DOLE, THE REPUBLICAN PARTY'S 1976 CANDIDATE FOR VICE PRESIDENT AND A POSSIBLE CANDIDATE FOR PRESIDENT IN 1980. MR. DOLE'S LEGAL THEORY WAS THAT RETURN OF THE CROWN WOULD ALTER THE PEACE TREATY ARRANGEMENTS OF THE SECOND WORLD WAR. CHANGES IN TREATIES SIGNED BY THE UNITED STATES REQUIRE THE CONSENT OF THE SENATE. BUT HIS LAWSUIT WAS ALSO REJECTED BY THE COURTS, AND THE LAST APPEAL WAS APPARENTLY EXHAUSTED WHEN SUPREME COURT JUSTICE BYRON WHITE DECLINED MR. DOLE'S REQUEST FOR AN EMERGENCY RESTRAINING ORDER DIRECTED AGAINST THE PRESIDENT.

THE RETURN OF THE CROWN IS NOW SCHEDULED FOR FRIDAY AT A CEREMONY IN BUDAPEST THAT WILL BE ATTENDED BY U.S. SECRETARY OF STATE CYRUS VANCE. AT THE INSISTENCE OF THE UNITED STATES, THE CROWN WILL BE RECEIVED BY ROMAN CATHOLIC, PROTESTANT AND JEWISH RELIGIOUS LEADERS AS WELL AS BY OFFICIALS OF THE HUNGARIAN GOVERNMENT. THAT CONCESSION BY HUNGARY MAY MITIGATE THE FEELINGS OF THE HUNGARIAN-AMERICANS WHO HAVE OPPOSED THE TRANSFER, BUT THAT DOESN'T MEAN THEY ARE RECONCILED TO THE CARTER ADMINISTRATION'S DECISION.

GH/PBM